



General Assembly

January Session, 2001

Committee Bill No. 89

LCO No. 4641

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE DNA DATA BANK OF CONVICTED OFFENDERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-102g of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) For the purposes of this section, "criminal offense" means a
4 criminal offense against a victim who is a minor, a nonviolent sexual
5 offense or a sexually violent offense, as those terms are defined in
6 section 54-250, a felony found by the sentencing court to have been
7 committed for a sexual purpose as provided in section 54-254, or a
8 violation of section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a,
9 53a-56, 53a-56a, 53a-56b, 53a-59, 53a-59a, 53a-59b, 53a-60, 53a-60a, 53a-
10 60b, 53a-60c, 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-101, 53a-102a,
11 53a-103a, 53a-111, 53a-112, 53a-134, 53a-135, 53a-136, 53a-167c, 53a-
12 179b, 53a-179c or 53a-181c.

13 ~~[(a)]~~ (b) Any person who [is] has been convicted of a criminal
14 offense [against a victim who is a minor, a nonviolent sexual offense or
15 a sexually violent offense, as those terms are defined in section 54-250,

16 or of a felony found by the sentencing court to have been committed
17 for a sexual purpose as provided in section 54-254,] and who is
18 [sentenced to] in the custody of the Commissioner of Correction shall,
19 at any time prior to release from custody, have a [sample of such
20 person's] blood or other biological sample withdrawn or taken for
21 DNA (deoxyribonucleic acid) analysis to determine identification
22 characteristics specific to the person.

23 [(b)] (c) Any person who is convicted of a criminal offense [against a
24 victim who is a minor, a nonviolent sexual offense or a sexually violent
25 offense, as those terms are defined in section 54-250, or of a felony
26 found by the sentencing court to have been committed for a sexual
27 purpose, as provided in section 54-254,] and who is not sentenced to a
28 term of confinement shall, as a condition of such sentence, have a
29 [sample of such person's] blood or other biological sample withdrawn
30 or taken for DNA (deoxyribonucleic acid) analysis to determine
31 identification characteristics specific to the person.

32 [(c)] (d) Any person who is found not guilty by reason of mental
33 disease or defect pursuant to section 53a-13 of a criminal offense
34 [against a victim who is a minor, a nonviolent sexual offense or a
35 sexually violent offense, as those terms are defined in section 54-250, or
36 of a felony found by the sentencing court to have been committed for a
37 sexual purpose, as provided in section 54-254,] shall, at any time prior
38 to discharge from custody in accordance with subsection (e) of section
39 17a-582, section 17a-588 or subsection (g) of section 17a-593, have a
40 [sample of such person's] blood or other biological sample withdrawn
41 or taken for DNA (deoxyribonucleic acid) analysis to determine
42 identification characteristics specific to the person.

43 [(d)] (e) The analysis shall be performed by the Division of Scientific
44 Services within the Department of Public Safety. The identification
45 characteristics of the profile resulting from the DNA analysis shall be
46 stored and maintained by the division in a DNA data bank and shall
47 be made available only as provided in section 54-102j, as amended by

48 this act.

49 Sec. 2. Section 54-102h of the general statutes is repealed and the
50 following is substituted in lieu thereof:

51 (a) Each blood or other biological sample required pursuant to
52 section 54-102g, as amended by this act, from persons who are to be
53 incarcerated shall be withdrawn or taken at the receiving unit or at
54 such other place as is designated by the Department of Correction. The
55 required samples from persons who are not sentenced to a term of
56 confinement shall be withdrawn or taken at a time and place specified
57 by the sentencing court. Only a person licensed to practice medicine
58 and surgery in this state, a qualified laboratory technician, a registered
59 nurse or a phlebotomist shall withdraw or take any sample to be
60 submitted to analysis. No civil liability shall attach to any person
61 authorized to withdraw [blood] or take a blood or other biological
62 sample as provided in this section as a result of the act of withdrawing
63 [blood] or taking such sample from any person submitting thereto, if
64 the blood or other biological sample was withdrawn or taken
65 according to recognized medical procedures, provided no person shall
66 be relieved from liability for negligence in the withdrawing or taking
67 of any [blood] such sample.

68 (b) Chemically clean sterile disposable needles and vacuum draw
69 tubes shall be used for all blood samples. The tube or container for a
70 blood or other biological sample shall be sealed and labeled with the
71 subject's name, Social Security number, date of birth, race and gender,
72 the name of the person collecting the sample, and the date and place of
73 collection. The [tubes] tube or container shall be secured to prevent
74 tampering with the contents.

75 (c) The steps set forth in this section relating to the taking, handling,
76 identification and disposition of blood or other biological samples are
77 procedural and not substantive. Substantial compliance therewith shall
78 be deemed to be sufficient. The samples shall be transported to the
79 Division of Scientific Services within the Department of Public Safety

80 not more than fifteen days following withdrawal or taking and shall be
81 analyzed and stored in the DNA data bank in accordance with sections
82 54-102i and 54-102j, as amended by this act.

83 Sec. 3. Section 54-102i of the general statutes is repealed and the
84 following is substituted in lieu thereof:

85 (a) Whether or not the results of an analysis are to be included in the
86 data bank, the Division of Scientific Services within the Department of
87 Public Safety shall conduct the DNA analysis in accordance with
88 procedures adopted by the division to determine identification
89 characteristics specific to the individual whose blood or other
90 biological sample is being analyzed. Such procedures shall conform to
91 nationally recognized and accepted standards for DNA analysis. The
92 Commissioner of Public Safety or the commissioner's designee shall
93 complete and maintain on file a form indicating the name of the person
94 whose sample is to be analyzed, the date and by whom the [blood]
95 sample was received and examined, and a statement that the seal on
96 the tube or container had not been broken or otherwise tampered with.
97 The remainder of a [blood] sample submitted for analysis and
98 inclusion in the data bank pursuant to section 54-102g, as amended by
99 this act, may be divided, labeled as provided for the original sample,
100 and securely stored by the division in accordance with specific
101 procedures set forth in regulations adopted by the Department of
102 Public Safety in accordance with the provisions of chapter 54 to ensure
103 the integrity and confidentiality of the samples. All or part of the
104 remainder of that sample may be used only (1) to create a statistical
105 data base provided no identifying information on the individual
106 whose sample is being analyzed is included, or (2) for retesting by the
107 division to validate or update the original analysis.

108 (b) The division shall initiate a DNA testing process not later than
109 forty-five days after the receipt of a blood or other biological sample
110 that has been submitted for analysis. A report of the results of a DNA
111 analysis conducted by the division as authorized, including the profile

112 and identifying information, shall be made and maintained at the
113 division. A certificate and the results of the analysis shall be admissible
114 in any court as evidence of the facts therein stated. Except as
115 specifically provided in this section and section 54-102j, as amended by
116 this act, the results of the analysis shall be securely stored and shall
117 remain confidential.

118 Sec. 4. Section 54-102j of the general statutes is repealed and the
119 following is substituted in lieu thereof:

120 (a) It shall be the duty of the Division of Scientific Services within
121 the Department of Public Safety to receive blood or other biological
122 samples and to analyze, classify and file the results of DNA
123 identification characteristics profiles of blood or other biological
124 samples submitted pursuant to section 54-102g, as amended by this
125 act, and to make such information available as provided in this section.
126 The results of an analysis and comparison of the identification
127 characteristics from two or more blood or other biological samples
128 shall be made available directly to federal, state and local law
129 enforcement officers upon request made in furtherance of an official
130 investigation of any criminal offense. A request may be made by
131 personal contact, mail or electronic means. The name of the person
132 making the request and the purpose for which the information is
133 requested shall be maintained on file with the division.

134 (b) Upon the request of any person identified and charged with an
135 offense as the result of a search of information in the data bank, a copy
136 of the request for a search shall be furnished to such person so
137 identified and charged. Only when a sample or DNA profile supplied
138 by the person making the request satisfactorily matches a profile in the
139 data bank shall the existence of data in the data bank be confirmed or
140 identifying information from the data bank be disseminated.

141 (c) The Department of Public Safety shall adopt regulations in
142 accordance with the provisions of chapter 54 governing (1) the
143 methods of obtaining information from the data bank in accordance

144 with this section and (2) procedures for verification of the identity and
145 authority of the person making the request. The department shall
146 specify the positions in that agency which require regular access to the
147 data bank and samples submitted as a necessary function of the job.

148 (d) The Division of Scientific Services shall create a separate
149 statistical data base comprised of DNA profiles of blood or other
150 biological samples of persons whose identity is unknown. Nothing in
151 this section or section 54-102k shall prohibit the Division of Scientific
152 Services from sharing or otherwise disseminating the information in
153 the statistical data base with law enforcement or criminal justice
154 agencies within or without the state.

155 (e) The Division of Scientific Services may charge a reasonable fee to
156 search and provide a comparative analysis of DNA profiles in the data
157 bank to any authorized law enforcement agency outside of the state.

JUD *Joint Favorable*